In the Supreme Court of the United States

OCTOBER TERM, 1964

No. 324

LOCAL 1566, INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, AFL-CIO, PETITIONER

v.

NATIONAL LABOR RELATIONS BOARD

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

MEMORANDUM FOR THE NATIONAL LABOR RELATIONS BOARD IN OPPOSITION

This petition seeks review of the same judgment and presents the same question as does the petition in *International Longshoremen's Association, Local 1242* v. *National Labor Relations Board*, No. 235, this Term. Petitioner in this case represents ship-cleaners, carpenters and maintenance men, who, like the clerks and checkers represented by the petitioner in No. 235, lost work opportunities when the Philadelphia Marine Trade Association unlawfully locked

out all longshoremen in July 1959. The Board found that, in the circumstances of this case, the loss of work opportunity by the clerks, checkers, shipcleaners, carpenters, and maintenance men did not constitute discrimination barred by the National Labor Relations Act. The court of appeals enforced the Board's order and rejected petitioner's claim—also made by the petitioner in No. 235—that the employees who were incidentally harmed by the employer's unfair labor practice were also entitled to relief. For the reasons set forth in our Brief in Opposition in No. 235,[1] this issue does not warrant review by this Court. The petition for a writ of certiorari should therefore be denied.

Respectfully submitted,

ARCHIBALD COX,
Solicitor General.

ARNOLD ORDMAN,
General Counsel,

DOMINICK L. MANOLI,
Associate General Counsel,

NORTON J. COME,
Assistant General Counsel,

ELLIOTT MOORE,
Attorney,

National Labor Relations Board.

August 1964.

---

[1] A copy of that brief has been served on petitioner here.

☆ U. S. GOVERNMENT PRINTING OFFICE, 1964 741997 154